

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicants' representative, Clifford Mass on May 5, 2009.

The application has been amended as follows:

In claim 21, line 3 (first line after the compound), the phrase, "*with the proviso that R² cannot not both be methyl or both by hydrogen*" has been inserted after the word, "aryl".

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: The claims are drawn to a process for preparing ZD6126 phenol, intermediates used in making said compound, and a method for making the intermediates. The closest prior art of record, i.e. the references listed on the attached PTO-1449, fail to disclose or suggest the intermediate compounds claimed herein. Therefore, use of said intermediates in a process for preparing ZD6126 phenol is unobvious, as is the method for preparing said intermediate(s). Further, the process for making ZD6126 from an allocolchicine or

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ester derivative thereof, also claimed herein, it neither taught, nor fairly suggested by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikarl A. Witherspoon whose telephone number is 571-272-0649. The examiner can normally be reached on M-F 8:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Sullivan can be reached on 571-272-0779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sikarl A. Witherspoon/
Primary Examiner, Art Unit 1621